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Poster

Biggest Loser In the ITT Case

A Commentary

By Nicholas von Hoffman

Very occasionally, they'll ask a question of Felix Rohaytn, the little, stock-jobbing fixer from ITT who went to Kleindienst to get an antitrust break for his wee, tiny multi-billion dollar conglomerate. More questions are directed to Richard W. McLaren, the former head of the Antitrust Division, who has succeeded Judge Julius Hoffman on the federal bench in Chicago.

Most of the questions go to Richard Kleindienst, the Attorney General-designate. A big man, and a grey and beefy one who smokes Marlboros and gets out of the nastier inquiries by prefacing his answers with, "To the best of my recollection . . . I can't recollect . . . refresh my recollection," but he's not under much pressure.

The Republican members of the Judiciary Committee either ask no questions or easy ones to allow him to get his breath, and more powerful Democrats do the same. Sam Ervin, who's the biggest ole country trustbuster you ever saw when he's dealing with professional sports, is positively meek when he plays in the economic big leagues. Eastland of Mississippi, the committee chairman, calls recesses and interrupts hostile interrogators whenever they get a chain of successful and damaging questions going. But what can you expect? This committee hasn't written an antitrust bill in 20 years, not since Estes Kefauver, long dead and badly needed.

The liberals—Hart of Michigan, Tunney of California and Kennedy of Massachusetts—work hard at getting to Kleindienst. Their staff, curly little guys with longish hair who look funny in business suits, stuff them with questions. The three try, but they're cool, polite men who don't know how to ad lib the killing question. They stay within good senatorial form, their sarcastic asides inaudible, their anger, if there is an indignant roaring inside them, quite invisible.

Still, there was one flurry when Kennedy with his pesty, persistent politeness almost got the proudly complacent Kleindienst reacting. "This isn't a trial for which I've prepared for two or three months," the Attorney General-designate ripped back to him. Then he looked at Teddy and said. "I have some feelings I'm trying to suppress . . . Sir, I have some feelings, too."

Perhaps he does, but they're not very delicate or discriminating ones. He is, after all, the man who testified in open court last fall that he was offered a $100,000 bribe by Robert T. Carson, but didn't recognize it as such. Before his conviction, Carson, who offered it to Kleindienst in the form of a campaign contribution, was an administrative assistant to Sen. Hiram Fong, another member of this committee without questions to ask.

The reputations do fall in this committee room. There is the apparently discarded ITT lobbyist, Dita Beard, who has been called soft in the head by her

doctor and something very close to a falling-down drunk by the former governor of Kentucky. But maybe she's lucky; considering some of the people she associates with, she coulda got worse.

But it's also the respectables who're getting it. Like Muskie, for in his attempt to share the blame, Kleindienst let it out that little Felix the Fixer, Rohatyn, is a Muskie adviser on economic matters. The presidential candidate's headquarters confirmed this, saying Felix had worked with Muskie on an ignoble piece of legislation which allows stockbrokers to gamble with their customers' money.

The biggest loser is McLaren, the former head of the Antitrust Division, the guy who drew up the agreement that got ITT off the hook. He walked into that hearing room less than two weeks ago a highly respected man, one of maybe three, maybe four men who are thought to have done well in the job since the day of its creation by Teddy Roosevelt.

He also has had memory problems and other minor embarrassments, but the saddest was his fumbling to explain why he settled with ITT out of court on such easy terms. Sometimes he said it was because he didn't think he could win it in court, and sometimes he said he's positive he could, but at one point, while trying to explain, he said something very revealing. He said, "The problem was, could we afford to win it in the public interest?"

If the man who heads the Antitrust Division wonders if the public can afford his winning a case, you know what the problem is. The problem is that the government wants to lose, and the figures bear that out. In the last 12 years or so there have been more than 12,000 mergers, and yet at no time in the history of the Antitrust Division under Democrats or Republicans, have as many as 100 suits been filed in a single year . . . suits of any kind against conglomerates, mergers, monopolies, conspiracies in restraint of trade, price fixing, against any anticompetitive activity.

They don't want antitrust, not Felix the Fixer, not the troubled McLaren or Kleindienst, who says he can sleep at night.